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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,360	12/12/2003	Ronald D. Riker	RIKE 02916 PTUS	1807
32233	7590	08/02/2006	EXAMINER	
STORM LLP BANK OF AMERICA PLAZA 901 MAIN STREET, SUITE 7100 DALLAS, TX 75202			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/735,360	<b>Applicant(s)</b> RIKER, RONALD D.	
	<b>Examiner</b> Amy J. Sterling	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the **Final Office Action** for application number 10/735,360 Mailbox Post Bracket, filed on 12/12/03. Claims 1-14 are pending. This **Final Office Action** is in response to applicant's reply dated 6/16/06. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action.

### ***Claim Objections***

Claims 1, 5, 7, 8 and 13 are objected to because of the following informalities:

It is not clear whether the limitation[s] "the mailbox" and "the post" is/are intended to be a positive limitation of the claim or merely an environment for use of the device. If the limitation[s] is/are intended to be a positive limitation of the claim then the claim should recite "a " before the term. If the limitation is intended to be an intended use of the holding bracket, then the imitations of the claims should be changed to incorporate functional language such as "adapted to be" or "for use with". Appropriate correction is required.

Claim 1, line 3 recites, "a laminar plate generally coextensive with a lower surface of the mailbox" and it is not clear if the mailbox is intended to be a positive limitation of the claim.

Claim 5, line 3 recites, "an aperture formed through the sleeve and the post" and it is not clear if the post is intended to be a positive part of the claim.

***Claim Rejections - 35 USC § 102***

Claims 1-6 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4403730 to Batson.

The patent Batson discloses a bracket for securing a mailbox having a laminar rectangular plate (38) with an upper surface and a lower surface, which has a plurality of lightening holes (48) formed in the plate and the plate which has a pair of long edges and short edges and the upper surface of the plate is generally coextensive with a lower surface of the mailbox (16), a means for securing (40, 42, 46) the mailbox to the plate which includes a flange (40, 42) on each of the long edges, the flanges extending generally perpendicularly and downwardly from the plate, and at least one bolt fastener (See Col. 3 line 43) securing the flange to the mailbox, a one-piece continuous, generally cylindrical sleeve (30) directly secured to a central portion of the lower surface of the plate (via element 36) and extending downwardly therefrom and a means (34, 61, 63) for securing the post within the sleeve which includes an aperture (61, 63) formed through the sleeve and the post and a sleeve fastener which is a nut (104) and a bolt (34) extending through the aperture for securing the post within the sleeve.

***Claim Rejections - 35 USC § 103***

Claim 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4403730 to Batson and in view of United States Patent No. 3802656 to Virblas.

Batson teaches the inventive concept including teaching a bracket for securing a mailbox having a laminar rectangular plate (38) with an upper surface and a lower surface, which has a plurality of lightening holes (48) and the plate which has a pair of long edges and the upper surface of the plate is generally coextensive with a lower surface of the mailbox (16), a means for securing (40, 42, 46) the mailbox to the plate which includes a flange (40, 42) on each of the long edges, the flanges extending generally perpendicularly and downwardly from the plate, and at least one bolt fastener (See Col. 3 line 43) securing the flange to the mailbox, a one-piece generally continuous, generally cylindrical sleeve (30) directly secured to the central portion of the lower surface of the plate (via element 36) and extending downwardly therefrom and a means (34, 61, 63) for securing the post within the sleeve which includes an aperture (61, 63) formed through the sleeve and the post and a sleeve fastener which is a nut (104) and a bolt (34) extending through the aperture for securing the post within the sleeve.

Batson does not teach that the sleeve is specifically cylindrical.

Virblas teaches a mailbox bracket which has a cylindrical sleeve (22) used for connecting the mailbox bracket to accommodate a cylindrical post. Therefore it would have been obvious to one of ordinary skill in the art to have used a cylindrical sleeve as taught by Virblas, in order to accommodate a cylindrical post.

Please Note: a distinction has been drawn between claims 1, 7 and 12. Claim 1 which recites, "a generally cylindrical sleeve", claim 7 which recites "a generally continuous cylindrical sleeve" and claim 12 which recites a "generally cylindrical

continuous...sleeve". The differentiation is in the interpretation of the term "generally" which is considered to modify the term "sleeve" in claims 1 and 12 and to modify the term "continuous" in claim 7, these modifications which change the scope of the claims.

### ***Response to Arguments***

The applicant has argued that the Batson reference does not disclose every limitation of the claims. The applicant has argued that the Batson does not disclose a generally cylindrical sleeve adapted to receive a cylindrical post. This is unpersuasive in that the sleeve of Batson (30) is generally cylindrical and is capable of receiving a cylindrical post. Also the applicant has argued that Batson does not teach that the sleeve is "directly" attached to the plate, arguing that "directly" means without an intervening structure. This is unpersuasive in that the term "directly" is being interpreted narrower than claimed. The sleeve (30) is directly attached to the plate via element 36, which meets the definition of directly. The term "directly" is not limited to meaning "touching" as assumed by applicant.

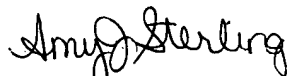
### ***Conclusion***

**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal communications only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling  
Primary Examiner  
7/24/06